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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/848,716	05/03/2001	Bruce H.T. Chai	59684		
27975 7590 03/13/2002 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE			EXAMINER  MEDLEY, PETER M		
P.O. BOX 3791 ORLANDO, FI	1	ART UNIT PAPER NUMBER			
			2834		
			DATE MAILED: 03/13/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MALING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MALING DATE OF THIS COMMUNICATION.  Clarelations of fine may be involated which the provisions of 37° CFR 136(a). In an event, however, may a regly be timely filed.  Extraction of the provision of the provision of 37° CFR 136(a) in an event however, may a regly be timely filed.  Period for regly is specified above, the meating material of the statutory minimum of think (50°) regly and the contramination.  If NO period for regly is specified above, the meating material statutory minimum of think (50°) regly and the communication.  If NO period for regly is specified above, the meating material statutory minimum of think (50°) regulation is the statutory minimum of think (50°) regulation is the specified above, the meating date of the communication, even if thereby filed, may reduce any extraction of the provision of the specified above, the meating date of the communication, even if thereby filed, may reduce any extraction the majority of the communication of the specified above, the meating date of the communication, even if thereby filed, may reduce any extraction of the communication of the specified above, the meating date of the communication, even if thereby filed, may reduce any extraction of the communication, even if thereby filed, may reduce any extraction of the communication, even if thereby filed, may reduce any extraction of the communication, even if thereby filed, may reduce any extraction of the security of the sec			'p	Application		Applicant(s)						
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2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-25 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-25 is/are rejected.  7) Claim(s) 1-25 is/are rejected.  7) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 0.3 May 2001 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(e).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The trenslation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  Attachment(s)  1 Notice of Naferences Cited (FTO-82)  2 Notice of Inferences Cited (FTO-82)  3 Notice of Inferences Cited (FTO-82)  3 Notice of Inferences Cited (FTO-82)			Responsive to communication(s) filed on	·								
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		2) No	tice of Draftsperson's Patent Drawing Review (PTO-9	948) No(s) <u>2</u> .	5) Notice of Inform	nal Patent Application (F	PTO-152)					



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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-14, 21-23, and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 200016478. See the abstract. The method claims are inherently required by **fig. 2**.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 15-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of WO 200016478.

Applicant has admitted that BAW are well known in the art.

The Applicant does not admit that Sr<sub>3</sub>TaGa<sub>3</sub>Si<sub>2</sub>O<sub>14</sub> is known in the art.

WO 200016478 discloses the use of Sr<sub>3</sub>TaGa<sub>3</sub>Si<sub>2</sub>O<sub>14</sub> as a piezoelectric substrate with a desirous coupling coefficient. The court has found that the selection of a known material based on its suitability for its intended use is obvious. *In re Leshin*, 227 F.2d

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197, 125 USPQ 416 (CCPA 1960). Sinclair & Carroll Co. v. Interchemical Corp., 325 U.S. 327, 65 USPQ 297 (1945). It would have been obvious to one of ordinary skill in the art to use Sr<sub>3</sub>TaGa<sub>3</sub>Si<sub>2</sub>O<sub>14</sub> in a BAW for the purpose of using its coupling coefficient.

The method claim is necessitated by the structure of claim 5.

### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter M Medley whose telephone number is 703-305-0494. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PM March 7, 2002

NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800